

REMARKS

Claim 3 is pending in the application and is rejected.

Claim Rejections - 35 U.S.C. §103

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 4,378,345 to Okumura et al. in view of U.S. 4,978,681 to Adachi et al.

The Examiner notes that Okumura et al. teaches a hair setting composition containing polyethylene glycol and a divalent or trivalent metal salt of pyrrolidonecarboxylic acid or a polyoxyalkylene added silicone oil (col. 2, lines 13-23). Adachi et al. teaches a hair growing agent containing as an effective ingredient an aliphatic carboxylic acid, which exhibits strong hair growing effect as compared to known hair-growing agents (col. 1 and col. 3).

The Examiner notes that Adachi et al. does not teach the specific polyoxyalkylene silicone polymer of the instant composition. However, Adachi et al. recognizes polyoxyalkylene polysiloxanes as an art-known carrier in hair growing compositions. The Examiner asserts that it would have been obvious to substitute the specific polyoxyalkylene polysiloxane (Formula I) of Okumura et al. as a carrier for the general polyoxyalkylene polysiloxane in the hair growing composition of Adachi et al. because Adachi et al. recognizes the class of polysiloxanes in general as carriers and Okumura et al. teaches that polyoxyalkylene polysiloxane imparts good hair setting effects and imparts good touch to the hair.

Applicants herein amend claim 3. Subsequently, Applicants disagree with the above rejection, because not all of the claimed limitations are taught or suggested by the cited reference.

Applicants herein limit claim 3 of the present application so that the hair growing agent is the compound represented by formula (II) (hereinbelow referred to as “compound (II)”). Accordingly, the main chain of compound (II) has only 3 silicon atoms.

On the other hand, in formula (I) of Okumura et al., m is from 1 to 10 and n is from 10 to 50. Therefore, the main chain of the compound represented formula (I) of Okumura et al. has 13 silicon atoms (when m is 1 and n is 10) or more.

Further, in formula (II) of Okumura et al., m' is from 5 to 50 and n' is from 1 to 10. Therefore, the main chain of the compound represented formula (II) of Okumura et al. has 8 silicon atoms (when m' is 5 and n' is 1) or more.

Therefore, even the cited combination of references fails to teach or suggest all the limitations of the present invention.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. §1.116
Attorney Docket No. 010725
Serial No. 09/877,257

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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